

TABLE OF CONTENTS**TITLE 22, DIVISION 2****CHAPTER 3. ADOPTION PROGRAM REGULATIONS****SUBCHAPTER 3. ADMINISTRATIVE REQUIREMENTS****Article 1. Administration of Public and Private Agencies**

	Section
Fees.....	35037
Manual.....	35039
Reporting Requirements.....	35041
Maternity Care	35043

Article 1.1. Unavailability of Verifying Documents

Procedures Regarding Unavailability of Documents.....	35044
---	-------

Article 2. Content of Case Record

Compliance with CCR Requirements for Content of Case Record.....	35045
Additional Requirements for Adoptions Case Records	35047

TABLE OF CONTENTS (Continued)

Article 3. Procedures for Post-Adoption Services

	Section
Releasing of Information From an Adoption Case Record.....	35049
Providing a Medical Report.....	35050
Providing a Medical Report Upon Request.....	35051
Disclosing Information to the Adoptee.....	35053
Disclosing Information to the Birth Parent	35055
Disclosing Identifying Information to the Adoptee.....	35057
Statutory Requirements for Furnishing Information and Access to Case Records	35059
Statutory Requirements for the Release of Personal Property	35061
Disclosure of Information to a Sibling.....	35063
Services to be Provided Following Finalization of An Adoption.....	35065
General Post-Adoption Services Provided by Agencies	35065.1

Article 4. Private Adoption Agency Reimbursement Program

Reserved.....	35067
Eligibility for Reimbursement.....	35069
Repealed by Manual Letter No. AD-98-01, effective 8/1/98.....	35071
Claiming Procedures.....	35073
Reimbursement Ceiling.....	35075
Records Retention and Time Limitations for Claiming.....	35077

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**Article 1 Administration of Public and Private Agencies****35037 FEES****35037**

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, Section 89137(b) and Family Code Sections 8716, 8810, 8907, and 9203(g).

HANDBOOK BEGINS HERE

- (1) Title 22, California Code of Regulations, Section 89137(b) reads as follows:

"(b) Private Adoption Agency. No private adoption agency shall charge or collect any fee for its services unless and until it has submitted to and obtained the approval of the Department with respect to both the maximum fee that may be charged and the agency's fee payment plan."

- (2) Family Code Section 8716 reads as follows:

"Where a petition is filed for the adoption of a child who has been placed for adoption by a licensed county adoption agency or the department, the agency or department may, at the time of filing a favorable report with the court, require the petitioners to pay to the agency, as agent of the state, or to the department, a fee of five hundred dollars (\$500). The agency or department may defer, waive, or reduce the fee if its payment would cause economic hardship to the prospective adoptive parents detrimental to the welfare of the adopted child, if the child has been in the foster care of the prospective adoptive parents for at least one year, or if necessary for the placement of a special-needs child."

- (3) Family Code Section 8907 reads as follows:

"The costs incurred by a licensed adoption agency pursuant to programs established by this chapter shall be funded by fees charged by the agency for services required by this chapter. The agency's fee schedule is required to be approved by the department initially and whenever it is altered."

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (4) Family Code Section 8810(a) permits the charging of a fee in an independent adoption.

- (A) Family Code Section 8810(a) reads as follows:

"(a) Except as otherwise provided in this section, if a petition is filed under this chapter for the adoption of a child, the petitioner shall pay a fee to the department or delegated county adoption agency, as follows:

"(1) For petitions filed from March 5, 1993, through June 30, 1993, five hundred dollars (\$500) before the filing of a favorable report in the court by the department or delegated county adoption agency.

"(2) For petitions filed on and after July 1, 1993, one thousand two hundred fifty dollars (\$1,250).

"The department or agency may defer, waive, or reduce the fee when in its judgment the payment would cause economic hardship to the prospective adoptive parents and would be detrimental to the welfare of the adopted child.

"(3) Where the adoption is interrupted prior to the filing of the report of the department or delegated county adoption agency, the adoption petition may be withdrawn and no adoption fee shall be assessed for any services rendered by the department or delegated county adoption agency, and any such fees already paid shall be refunded."

- (5) Family Code Section 9203(g), in pertinent part, reads:

"The department or licensed adoption agency may charge a reasonable fee in an amount the department establishes by regulation to cover the costs of processing requests for information made pursuant to subdivision (a)..."

- (6) See Section 35249 for fee requirements for agencies licensed to provide intercountry adoption services.

HANDBOOK ENDS HERE

35037 FEES (Continued)**35037**

- (b) Adoption agencies shall collect fees for criminal record clearances pursuant to Family Code Sections 8712(c), 8811(c) and 8908(c).

HANDBOOK BEGINS HERE

- (1) Family Code Section 8712(c) reads as follows:

"Any fee charged by a law enforcement agency for fingerprinting or for checking or obtaining the criminal record of the applicant shall be paid by the applicant. The department or licensed adoption agency may defer, waive, or reduce the fee when its payment would cause economic hardship to prospective adoptive parents detrimental to the welfare of the adopted child, when the child has been in the foster care of the prospective adoptive parents for at least one year, or if necessary for the placement of a special-needs child."

- (2) Family Code Section 8811(c) reads as follows:

"Any fee charged by a law enforcement agency for fingerprinting or for checking or obtaining the criminal record of the petitioner shall be paid by the petitioner. The department or delegated county adoption agency may defer, waive, or reduce the fee when its payment would cause economic hardship to the prospective adoptive parents detrimental to the welfare of the adopted child, when the child has been in the foster care of the prospective adoptive parents for at least one year, or if necessary for the placement of a special-needs child."

- (3) Family Code Section 8908(c) reads as follows:

"Any fee charged by a law enforcement agency for fingerprinting or for checking or obtaining the criminal record of the applicant shall be paid by the applicant. The licensed adoption agency may defer, waive, or reduce the fee when its payment would cause economic hardship to the prospective adoptive parents detrimental to the welfare of the adopted child."

HANDBOOK ENDS HERE

- (4) When the adoption agency or the Department defers, waives, or reduces the fee to be paid by the applicant or petitioner, the adoption agency or the Department is responsible for payment of the fees to the Department of Justice.

35037 (Cont.)	ADOPTIONS PROGRAM REGULATIONS ADMINISTRATIVE REQUIREMENTS	Regulations
35037	FEES (Continued)	35037

HANDBOOK BEGINS HERE

- (A) Fees which are paid by the local public adoption agency are reimbursable and should be entered as an overhead cost in the quarterly Administrative Expense Claim on form DFA 325.1, line K, Operating Costs.
- (B) Fees for fingerprinting and criminal record clearance paid by licensed private adoption agencies related to adoption of a special needs child are reimbursable through the Private Agency Reimbursement Program under Additional Direct Costs.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621, 8901, and 9203(g), Family Code. Reference: Sections 8712(c), 8716, 8810, 8811(c), 8907, 8908(c), and 9203(g), Family Code; and Section 89137(b), Title 22, California Code of Regulations.

35039	MANUAL	35039
--------------	---------------	--------------

- (a) Agencies shall make available a copy of Title 22, California Code of Regulations, Division 2, Chapter 3 to all agency employees who provide adoption services.
- (b) Agencies shall make available a copy of Title 22, California Code of Regulations, Division 6, to all agency employees who provide adoption services.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Sections 8621 and 8901, Family Code; and Section 1530, Health and Safety Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

35041	REPORTING REQUIREMENTS	35041
--------------	-------------------------------	--------------

- (a) Agencies shall submit the following reports to the department, including but not limited to:
- (1) Reports required for the implementation of the ICWA.
 - (2) Reports required for the implementation of Public Law 96-272 (Title 42, United States Code, Sections 673 and 675), including reports necessary to meet Title IV-B planning requirements.
 - (3) Reports required for the determination of allocations to public adoption agencies.
 - (4) Reports required for the department's evaluation of the efficiency of agencies in placing children for adoption.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Sections 8621 and 8901, Family Code; and Section 1530, Health and Safety Code. Reference: Section 10852, Welfare and Institutions Code and 25 USC 1915(e).

35043	MATERNITY CARE	35043
--------------	-----------------------	--------------

- (a) If the **licensed public adoption** agency uses its adoption program allocation to assist the birth mother with the cost of private medical and/or hospital care the following conditions shall be met:
- (1) The birth mother is financially unable to pay for private medical and/or hospital care.
 - (2) The birth mother is not eligible for Medi-Cal.
 - (3) The use of other public medical resources is not indicated.
- (b) The **licensed public adoption** agency shall utilize adoption program funds only when no other resource is available.
- (c) The **licensed public adoption** agency shall determine that the mother is considering adoption at the time of approval for maternity care.

HANDBOOK BEGINS HERE

- (1) For purposes of receiving maternity care, the mother may be married or unmarried.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

This page is intentionally left blank.

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS

Article 1.1 Unavailability of Verifying Documents

35044 PROCEDURES REGARDING UNAVAILABILITY OF DOCUMENTS 35044

- (a) When a verifying official document is unavailable, the agency shall request the individual who would have submitted the official document to attempt to obtain a letter from the appropriate United States or foreign official stating that the document is not available and the reason it is not available.

HANDBOOK BEGINS HERE

- (1) Official documents may include, but are not limited, to:
 - (A) Birth Certificate.
 - (B) Marriage Certificate.
 - (C) Divorce Decree.
 - (D) Death Certificate.
- (2) Verification may not be possible due to war, political unrest, fire, or flood in either the United States or a foreign country.
- (3) Appropriate official may include, but is not limited to, recorder, court clerk, coroner, mayor, or local clergy.

HANDBOOK ENDS HERE

- (b) If a letter from the appropriate official is not received within 60 days of the individual's request, the agency shall request the individual's signed and notarized declaration specifying the:
- (1) Type of document not available.
 - (2) Factual information contained on the document.
 - (3) Measures taken to obtain a copy of the document and to obtain a letter from the appropriate United States or foreign official.

35044	PROCEDURES REGARDING UNAVAILABILITY OF DOCUMENTS	35044
--------------	---	--------------

(Continued)

- (4) Certification that includes the following statement:
 - (A) "I certify under penalty of perjury that the above stated information is a true and accurate accounting."
- (c) The agency shall include in the adoption case record:
 - (1) Information about the unavailable official document.
 - (2) The letter and declaration required by subsections (a) and (b) above, as appropriate.
- (d) The agency shall include in the court report:
 - (1) Information about the unavailable official document.
 - (2) An explanation regarding the unavailability of the letter from the appropriate United States or foreign official.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8700, 8715, 8806, 8807, 8808, 8814, 8819, and 8914, Family Code.

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**Article 2 Content of Case Record****35045 COMPLIANCE WITH CCR REQUIREMENTS FOR CONTENT OF CASE RECORD 35045**

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, Sections 89179 and 89182.

HANDBOOK BEGINS HERE

- (1) Title 22, California Code of Regulations, Division 6, Section 89179 reads as follows:

"(a) The homefinding or adoption agency shall maintain adequate case records which include:

"(1) Separate records for each client and for each placement facility studied and used by the agency.

"(2) Current administrative records in such a form as to provide an index to all cases, including location of all clients under care and of all placement facilities in use.

"(b) Adoption case records shall be retained by the agency indefinitely. In the event of an agency terminating its services, full case records on all completed adoptions, placements for adoption, and children relinquished for adoption shall be forwarded to the Department for permanent filing and reference. Records and documents shall include those regarding the natural parents, the child and the adoptive parents. Such forwarding by the terminating agency shall be conducted in the manner prescribed by the Department."

- (2) Title 22, California Code of Regulations, Division 6, Section 89182 reads as follows:

"(a) Each homefinding or adoption agency shall maintain a case record for each family unit or individual served in its program.

"(b) Each case record shall include:

1. A face sheet or application form.
2. A typewritten record of the study.
3. Medical and other reports.

HANDBOOK CONTINUES

35045	COMPLIANCE WITH CCR REQUIREMENTS FOR CONTENT35045 OF CASE RECORD (Continued)
--------------	---

HANDBOOK CONTINUES

4. Correspondence.
5. Applicable legal documents.
6. Verifications.
7. Evaluation of findings.
8. Decisions reached.
9. Actions taken.
10. Court reports.

"(c) All information in case records shall be confidential and adoption records shall be available only to authorized adoption personnel."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 1530, Health and Safety Code; Section 1798, Civil Code; and Sections 89179 and 89182, Title 22, California Code of Regulations.

35047	ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS	35047
--------------	---	--------------

- (a) In addition to the requirements of Title 22, California Code of Regulations, Sections 89179 and 89182, adoption case records shall contain the following, as appropriate:
- (1) All documentation pertaining to freeing the child for adoption as required by Subchapter 2, Article 5.
 - (2) All documentation pertaining to the translation and/or reading and/or correction of forms including the recordings of any reading of consent and relinquishment forms as required by Subchapter 2, Article 1.
 - (3) All documentation pertaining to the unavailability of verifying documents as required by Section 35044.
 - (4) Copies of the written assessment of the child as required by Subchapter 5, Article 4 and the written assessment of the applicant as required by Subchapter 5, Article 6.

35047	ADDITIONAL REQUIREMENTS FOR ADOPTION CASE RECORDS	35047
--------------	--	--------------

(Continued)

- (5) A copy of the notice to the prospective adoptive parents of the agency's intent to remove the child from an adoptive placement.
- (6) A copy of the written notice to all parties to a grievance review hearing.
- (7) A copy of the agency director's decision regarding the grievance review hearing as required by Section 35239(a)(1).
- (8) Copies of all requests for disclosure of information from the adoption case record.
- (9) All documentation of eligibility for the Adoption Assistance Program (AAP) as required by Subchapter 7, Article 2.
- (10) A copy of the signed AD 4320.
- (11) Copies of the following documentation supporting the issuance of the AD 4333:
 - (A) Form AD 90.
 - (B) Form AD 551A.
 - (C) All forms signed by the relinquishing parent which pertain to the relinquishment of the child for adoption including Statements of Understanding.
 - (D) Form AD 588.
 - (E) Form AD 590.
 - (F) Form AD 558.
 - (G) Documentation of action taken in another state to free the child.
 - (H) Form AD 4333.
 - (I) Form AD 4311 and copies of any responses from Bureau of Indian Affairs (BIA) or the child's tribe.

35047	ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS	35047
--------------	---	--------------

(Continued)

- (J) Forms AD 165 and 166.
- (K) Form ICPC 100A, if applicable.
- (L) Form ICPC 100B, if applicable.
- (12) Copies of requests for medical background information under Family Code Sections 8706, 8817, or 8909.

HANDBOOK BEGINS HERE

- (A) Family Code Section 8706 is located at Section 35209(a)(1).
- (B) Family Code Section 8817 is located at Section 35093(a)(2)(A)1..
- (C) Family Code Section 8909 is located at Section 35275(a)(1).

HANDBOOK ENDS HERE

- (13) Copies of medical background information transmitted to an adoptee and adoptive parent at time of placement under Family Code Sections 8706, 8817, 8909, and 9202.

HANDBOOK BEGINS HERE

- (A) Family Code Section 8706 is located at Section 35209(a)(1).
- (B) Family Code Section 8817 is located at Section 35093(a)(2)(A)1..
- (C) Family Code Section 8909 is located at Section 35275(a)(1).
- (D) Family Code Section 9202 is located at Section 35051(a)(1).

HANDBOOK ENDS HERE

- (14) Copies of requests for identifying information under Family Code Section 9203.

HANDBOOK BEGINS HERE

- (A) The pertinent part of Family Code Section 9203 is located at Section 35053(b)(1).

HANDBOOK ENDS HERE

35047	ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS	35047
--------------	---	--------------

(Continued)

- (15) Copies of identifying information provided under Family Code Section 9203.
- (16) Copies of waivers of the right to confidentiality of adoption case records under Family Code Section 9204.

HANDBOOK BEGINS HERE

- (A) The pertinent part of Family Code Section 9204 is located at Section 35049(b)(3)(A).
- (B) This form is the AD 904.

HANDBOOK ENDS HERE

- (17) Copies of the birth parent's authorizations for the release of medical background information as required by Section 35023(a).
- (18) Documentation of any attempt to place the child in accordance with the ICWA.
- (19) A copy of the notice to the parent of an Indian child in the event that the adoptive petition is withdrawn, dismissed, or denied, or the adoption is set aside.
- (20) A copy of the Interstate Compact on the Placement of Children (ICPC) acknowledgment/waiver.
- (21) A copy of the receipt signed by the prospective adoptive parent acknowledging receipt of initial and updated medical background information on the child and birth parents.
- (22) Copies of letters of reference regarding the suitability of applicants to be adoptive parents.
 - (A) Documentation of face-to-face interviews with references.
- (23) The fingerprint card(s) (BID-7) returned from the Department of Justice (DOJ), full state criminal record, if any, and the FBI criminal record, if any.
- (24) Justification for any deferment, waiver, or reduction in the DOJ fee charged pursuant to Family Code Section 8712, 8811, or 8908, for checking or obtaining the criminal record of the applicant or petitioner.

35047	ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS	35047
--------------	---	--------------

(Continued)

HANDBOOK BEGINS HERE

- (A) Family Code Section 8712 is located at Section 35037(b)(1).
- (B) Family Code Section 8811 is located at Section 35037(b)(2).
- (C) Family Code Section 8908 is located at Section 35037(b)(3).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8612, Family Code. Reference: Sections 1501, 1502, 1503, and 1508, Health and Safety Code; Sections 89179 and 89182, Title 22, California Code of Regulations; and Sections 8706, 8710, 8712, 8811, 8817, 8908, 8909, 9202, 9203, and 9204, Family Code.

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS

Article 3. Procedures for Post-Adoption Services

35049 RELEASING INFORMATION FROM AN ADOPTION CASE RECORD 35049

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provision of the ICWA.

HANDBOOK ENDS HERE

- (b) An adoption case record is confidential.

HANDBOOK BEGINS HERE

- (1) An adoption case record is established when:

- (A) An agency accepts the signed relinquishment of a child for an adoptive placement from a relinquishing parent or when a court orders termination of parental rights and refers the child for adoption planning.
- (B) An agency accepts the completed and signed adoption application from a prospective adoptive parent or parents.
1. A previously approved assessment of the applicant conducted by a licensed California adoption agency constitutes an adoption case record, even if the prospective adoptive parent has not formally applied to adopt a specific child.
- (C) An agency receives a filed and endorsed petition for an independent adoption, and, if required, an attached signed adoption placement agreement.

HANDBOOK ENDS HERE

- (c) Information shall be released from an adoption case record as follows:

- (1) To the individual to whom the information pertains pursuant to Civil Code Section 1798.24(a);

35049

RELEASING INFORMATION FROM AN ADOPTION CASE RECORD
(Continued)

35049

HANDBOOK BEGINS HERE

(A) Civil Code Section 1798.24, in pertinent part, states:

"No agency may disclose any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless the disclosure of the information is:

"(a) To the individual to whom the information pertains."

1. This provision applies to the completed assessment of the applicant whether or not his or her application was approved.

a. The source of information obtained during the assessment with the promise that the source will remain confidential must not be revealed, as provided in Civil Code Section 1798.38. However, if the application was denied and any part of the denial was based on this information, the applicant would be entitled to the information for the purpose of filing a grievance.

HANDBOOK ENDS HERE

(B) Upon written request, the agency shall provide the requestor copies of material he or she submitted to the agency or documents he or she signed during the adoption proceedings.

HANDBOOK BEGINS HERE

1. These documents include the signed relinquishment or consent forms, signed statement of understanding, and signed adoption placement agreement.

HANDBOOK ENDS HERE

(C) No agency shall include or disclose the identity of the adoptee's birth parent or birth parents in information provided under Civil Code Section 1798.24(a).

(2) To an adopted person pursuant to Civil Code Section 1798.24(q).

35049**RELEASING INFORMATION FROM AN ADOPTION CASE RECORD**
(Continued)**35049**

HANDBOOK BEGINS HERE

- (A) Civil Code Section 1798.24(q) states:

"To an adopted person and is limited to general background information pertaining to the adopted person's natural parents, provided that the information does not include or reveal the identity of the natural parents."

HANDBOOK ENDS HERE

- (3) The child or grandchild of an adopted person pursuant to Civil Code Section 1798.24(r).

HANDBOOK BEGINS HERE

- (A) Civil Code Section 1798.24(r), in pertinent part, states:

"To a child or a grandchild of an adopted person and disclosure is limited to medically necessary information pertaining to the adopted person's natural parents. However, the information, or the process for obtaining the information shall not include or reveal the identity of the natural parents."

HANDBOOK ENDS HERE

- (4) To the juvenile court for the purpose of completing a preliminary assessment of the child's adoptability pursuant to Welfare and Institutions Code Section 366.21(i)(4) of the Welfare and Institutions Code Section 366.22(b)(4).

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Sections 366.21(i) and 366.22(b), in pertinent part, both state:

"Whenever a court orders that a hearing pursuant to Section 366.26 shall be held, it shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties which are not served by a county adoption agency, to prepare an assessment regarding the likelihood that the minor will be adopted if parental rights are terminated. The assessment shall include:

HANDBOOK CONTINUES

35049 RELEASING OF INFORMATION FROM AN ADOPTION CASE RECORD 35049
(Continued)

HANDBOOK CONTINUES

".....

"(4) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian, particularly the caretaker, to include a social history including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the minor's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship."

1. This preliminary assessment consists of the specific and nonidentifying information stated in Welfare and Institutions Code Sections 366.21(i)(4) or 366.22(b)(4).

a. If the court indicates a need for other detailed information, the adoption agency shall respectfully request that the information be given to the judge in chambers in order to maintain the confidentiality of the information.

HANDBOOK ENDS HERE

(d) If adoption records are subpoenaed, the agency should refer the matter to its legal counsel.

HANDBOOK BEGINS HERE

(1) The superior court may order the release of certain identifying information from the court's adoption file to the parties of the adoption proceedings pursuant to Family Code Section 9200, or from the adoption case record pursuant to Health and Safety Code Section 102705.

(A) Family Code Section 9200, in pertinent part, states:

"(a) The petition, relinquishment or consent, agreement, order, report to the court from any investigating agency, and any power of attorney and deposition filed in the office of the county clerk pursuant to this part is not open to inspection by any person other than the parties to the proceeding and their attorneys and the department, except upon the written authority of the judge of the superior court. A judge of the superior court may not authorize anyone to inspect the petition, relinquishment or consent, agreement, order, report to the court from any investigating agency, or power of attorney or deposition or any portion of any of these documents, except in exceptional circumstances and for good cause approaching the necessitous. The petitioner may be required to pay the expenses for preparing the copies of the documents to be inspected."

HANDBOOK CONTINUES

35049 RELEASING OF INFORMATION FROM AN ADOPTION CASE RECORD 35049
(Continued)

HANDBOOK CONTINUES

"(b) Upon written request of any party to the proceeding and upon the order of any judge of the superior court, the county clerk shall not provide any documents referred to in this section for inspection or copying to any other person, unless the name of the child's birth parents or any information tending to identify the child's birth parents is deleted from the documents or copies thereof."

(B) Health and Safety Code Section 102705, in pertinent part, states:

"All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon the order of the superior court of the county of residence of the adopted child or the superior court of the county granting the order of adoption.

No such order shall be granted by the superior court unless a verified petition setting forth facts showing the necessity of the order has been presented to the court and good and compelling cause is shown for the granting of the order. The clerk of the superior court shall send a copy of the petition to the California Department of Social Services and the department shall send a copy of all records and information it has concerning the adopted person with the name and address of the natural parents removed to the court. The Court must review these records before making an order and the order should so state. If the petition is by or on behalf of an adopted child who has attained majority, these facts shall be given great weight, but the granting of any petition is solely within the sound discretion of the court.

"The name and address of the natural parents shall be given to the petitioner only if he or she can demonstrate that the name and address, or either of them, are necessary to assist him or her in establishing a legal right."

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1798.24, Civil Code; Section 8621, Family Code; Sections 10553, 10554, and 10850(d), Welfare and Institutions Code. Reference: Section 10850(d), Welfare and Institutions Code; Section 9204, Family Code; Sections 1798.24(a), (q) and (r), Civil Code; and 25 USC 1901, et seq.; Sections 102625 and 102705, Health and Safety Code.

35050 PROVIDING A MEDICAL REPORT35050

- (a) The agency shall provide the adoptive parents copies of information received by the agency pursuant to Family Code Section 8702 or 8818 after finalization of the adoption.

HANDBOOK BEGINS HERE

- (1) The content of Family Code Section 8702 is located at Section 35151(a)(3)(A)2.
- (2) The content of Family Code Section 8818 is located at Section 35121(a)(3)(A)1.

HANDBOOK ENDS HERE

- (3) The agency shall transmit the information to the adoptive parents upon its receipt.
- (A) The agency shall delete the names and addresses of all individuals, including the adoptee and the source, prior to releasing the information.
- (B) The agency shall strive for full disclosure of all medical and family background information received from the birth parents.
- (C) The agency shall not interpret or summarize medical terminology or any health conditions indicated in the information received from the birth parents. Emphasis shall be placed on citing verbatim from any reports and evaluations received.
- (D) The agency shall advise the adoptive parents that, upon receipt of the information, the adoptive parents should consult their physician or mental health professional for further evaluation or interpretation, particularly if the information contains material sensitive in subject matter.
1. The agency shall document in the adoption case record a description of the manner in which the medical information was released and the date on which the information was released.
2. The agency shall retain a copy of the information in the adoption case record.

NOTE: Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 8702 and 8818, Family Code.

35051 PROVIDING A MEDICAL REPORT UPON REQUEST**35051**

- (a) The agency shall provide a photocopy of the adoptee's medical report required by Family Code Section 9202 and all documents related to the medical report upon the written request of an adoptee who has attained the age of 18, an adoptee under the age of 18 who presents a certified copy of his or her marriage certificate, or an adoptive parent of an adoptee under the age of 18.

HANDBOOK BEGINS HERE

- (1) Family Code Section 9202 reads as follows:

"(a) Notwithstanding any other law, the department or licensed adoption agency that made a medical report required by Sections 8706, 8817, or 8909 shall provide a copy of the medical report, in the manner the department prescribes by regulation, to any of the following persons upon the person's request:

"(1) A person who has been adopted pursuant to this part and who has attained the age of 18 years or who presents a certified copy of the person's marriage certificate.

"(2) The adoptive parent of a person under the age of 18 years who has been adopted pursuant to this part.

"(b) A person who is denied access to a medical report pursuant to regulations adopted pursuant to this section may petition the court for review of the reasonableness of the department's or licensed adoption agency's decision.

"(c) The names and addresses of any persons contained in the report shall be removed unless the person requesting the report has previously received the information pursuant to subdivision (a) of Section 9203."

HANDBOOK ENDS HERE

- (2) The agency shall delete from the medical report and photocopies of the relevant documents the names and addresses of all individuals, including the adoptee and the source, prior to releasing photocopies of the report, unless the person requesting the report has previously received the information pursuant to Family Code Section 9203.

35051	PROVIDING A MEDICAL REPORT UPON REQUEST	35051
--------------	--	--------------

(Continued)

HANDBOOK BEGINS HERE

- (A) The definition of "medical report" is located at Section 35000(m)(2).
- (B) The content of Family Code Section 9203, in part, is located at Section 35053(b)(1).

HANDBOOK ENDS HERE

- (3) The agency shall strive for full disclosure of all medical and family background information about the adoptee and his or her birth parents.
 - (4) The agency shall not interpret or summarize medical terminology or any health conditions indicated in the original source reports. Emphasis shall be placed on citing verbatim from any reports and evaluations contained in the adoption case record.
 - (5) The agency shall advise the requester that, upon receipt of the medical report, the requester should consult his or her physician or mental health professional for further evaluation or interpretation, particularly if the report contains material sensitive in subject matter.
 - (6) Attachments of original source reports may not be appropriate under certain, limited circumstances. When the identity of other persons, such as former caretakers and other children in the foster home, would be revealed or when the information is not directly related to the adoptee's current or future well-being, only summaries of original source reports shall be released to the requester.
- (b) Subject to the conditions described in Sections 35051(a)(2) through (6), upon receipt, the agency shall transmit to the adult adoptee, an adoptee under the age of 18 who presents a certified copy of his or her marriage certificate, or the adoptive parent of an adoptee under the age of 18 medical information submitted by a birth parent after the release of the medical report pursuant to Section 35051(a).
- (1) The agency shall document in the adoption case record a description of the manner in which the medical information was released and the date on which the information was released.
 - (2) The agency shall retain a copy of the medical information in the adoption case record.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 9202(a), Family Code. Reference: Sections 9202 and 9203, Family Code; and 25 U.S.C. 1901, et seq.

35053 DISCLOSING INFORMATION TO THE ADOPTEE**35053**

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) The agency shall disclose to the adoptee upon his or her request the name and most current address of a birth parent of an adoptee whose relinquishment for or consent to adoption was signed on or after January 1, 1984, in accordance with the provisions of Family Code Section 9203.

HANDBOOK BEGINS HERE

- (1) Family Code Section 9203, in pertinent part, states:

"(a) The department or a licensed adoption agency shall do the following:

"(1) Upon request of a person who has been adopted pursuant to this part and who has attained the age of 21 years, disclose the identity of the person's birth parent or parents and their most current address shown in the records of the department or licensed adoption agency, if the birth parent or parents have indicated consent to the disclosure in writing; and upon request of the birth parent of a person who has been adopted pursuant to this part and who has attained the age of 21 years, disclose the adopted name of the adoptee and the adoptee's most current address shown in the records of the department or licensed adoption agency, if the adult adoptee has indicated in writing, pursuant to the registration program developed by the department, that the adult adoptee wishes the adult adoptee's name and address to be disclosed.

"(2) Disclose the identify of a birth parent and the birth parent's most current address shown in the records of the department or licensed adoption agency upon the request of the adoptive parent of a person under the age of 21 years who has been adopted pursuant to this part, upon the finding by the department or licensed adoption agency that a medical necessity or other extraordinary circumstances justify the disclosure.

"(b) The department shall prescribe the form of the request required by this section...

HANDBOOK CONTINUES

35053	DISCLOSING INFORMATION TO THE ADOPTEE (Continued)	35053
--------------	---	--------------

HANDBOOK CONTINUES

"(c) Subdivision (a) is not applicable if a birth parent or an adoptee has indicated that he or she does not wish his or her name or address to be disclosed...

"(i) This section applies only to adoptions in which the relinquishment for or consent to adoption was signed on or after January 1, 1984."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Sections 8621 and 9203, Family Code. Reference: Section 9203, Family Code; and 25 USC 1901 et seq.

35055	DISCLOSING INFORMATION TO THE BIRTH PARENT	35055
--------------	---	--------------

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) The agency shall disclose to a birth parent upon his or her request the name and most current address of an adoptee over the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, when the adult adoptee has given written consent to the disclosure in accordance with Family Code Section 9203.

HANDBOOK BEGINS HERE

(1) A partial quotation of Family Code Section 9203 is located at Section 35053(b)(1).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 9203, Family Code; and 25 U.S.C. 1901 et seq.

35057	DISCLOSING IDENTIFYING INFORMATION TO THE ADOPTEE	35057
--------------	--	--------------

- (a) The agency shall disclose the identity of a birth parent and his or her most current address upon the request of an adoptive parent of an adoptee under the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, upon finding by the department or agency that a medical necessity or other extraordinary circumstance justifies the disclosure, if the birth parent has given written permission for such disclosure in accordance with Family Code Sections 8702, 8818, and 9203.
- (1) The agency shall not disclose the identity of a birth parent who has indicated that he or she does not wish his or her identity so disclosed.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 8702, 8818, and 9203, Family Code.

35059	STATUTORY REQUIREMENTS FOR FURNISHING INFORMATION AND ACCESS TO CASE RECORDS	35059
--------------	---	--------------

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) The agency shall comply with Family Code Section 9201 and Welfare and Institutions Code Section 10852.

HANDBOOK BEGINS HERE

- (1) Family Code Section 9201 reads as follows:

"Notwithstanding any other law, the department and any licensed adoption agency may furnish information relating to an adoption petition to the juvenile court, county welfare department, public welfare agency, or private welfare agency licensed by the department, if it is believed the child's welfare will be promoted thereby."

HANDBOOK CONTINUES

35059	STATUTORY REQUIREMENTS FOR FURNISHING INFORMATION AND ACCESS TO CASE RECORDS (Continued)	35059
--------------	---	--------------

HANDBOOK CONTINUES

- (2) Welfare and Institutions Code Section 10852 reads as follows:

"All persons who are subject to investigation or supervision by the department, or who are connected with any institution subject to such investigation or supervision, or who are in any way responsible for the administration or expenditure of funds which are subject to investigation or supervision by the department, shall furnish to the department such information and statistics as it may request or require, and shall allow the department free access to all such institutions and to all records of such institutions and persons."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 10852, Welfare and Institutions Code; Section 9201, Family Code; and 25 U.S.C. 1901 et seq.

35061	STATUTORY REQUIREMENTS FOR THE RELEASE OF PERSONAL PROPERTY	35061
--------------	--	--------------

- (a) The agency shall comply with the provisions of Family Code Section 9206:

HANDBOOK BEGINS HERE

- (1) Family Code Section 9206, in pertinent part, reads:

"(a) Notwithstanding any other law, the department licensed adoption agency shall release any letters, photographs, or other items of personal property in its possession to any adoptee, birth parent, or adoptive parent, upon written request. The material may be requested by any of the following persons:

"(1) The adoptee, if the adoptee has attained the age of 18 years.

"(2) The adoptive parent or parents, on behalf of an adoptee under the age of 18 years, as long as instructions to the contrary have not been made by the depositor.

"(3) The birth parent or parents.

"(b) Notwithstanding any other law, all identifying names and addresses shall be deleted from the letters, photographs, or items of personal property before delivery to the requester.

HANDBOOK CONTINUES

35061	STATUTORY REQUIREMENTS FOR THE RELEASE OF PERSONAL PROPERTY (Continued)	35061
--------------	--	--------------

HANDBOOK CONTINUES

"(c) Letters, photographs, and other items of personal property deposited on or after January 1, 1985, shall be accompanied by a release form or similar document signed by the person depositing the material, specifying to whom the material may be released. At its discretion, the department or licensed adoption agency may refuse for deposit items of personal property that, because of value or bulk, would pose storage problems.

"(d) Notwithstanding subdivisions (a) and (b), only the following photographs deposited before January 1, 1985, shall be released:

"(1) Photographs of the adoptee that have been requested by the adoptee.

"(2) Photographs that have been deposited by the adoptee, the adoptive parent or parents, or the birth parent or parents, and for which there is a letter or other document on file indicating that person's consent to the release of the photographs...

"(f) 'Photograph' as used in this section means a photograph of the person depositing the photograph or the person making the request for the release."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 9206, Family Code.

35063	DISCLOSURE OF INFORMATION TO A SIBLING	35063
--------------	---	--------------

- (a) The agency shall release to each sibling who has attained the age of 21 the name and address of his or her biological sibling provided that at least one sibling is an adoptee and both have filed a written waiver of rights to confidentiality in accordance with Family Code Section 9205.

HANDBOOK BEGINS HERE

- (1) Family Code Section 9205, in pertinent part, states:

"(a) Notwithstanding any other law, the department or adoption agency that joined in the adoption petition shall release the names and addresses of biological siblings to one another if both of the siblings have attained the age of 21 years and have filed the following with the department or agency:

HANDBOOK CONTINUES

35063 (Cont.)	ADOPTIONS PROGRAM REGULATIONS ADMINISTRATIVE REQUIREMENTS	Regulations
35063	DISCLOSURE OF INFORMATION TO A SIBLING (Continued)	35063

HANDBOOK CONTINUES

- "(1) A current address.
- "(2) A written request for contact with any biological sibling whose existence is known to the person making the request.
- "(3) A written waiver of the person's rights with respect to the disclosure of the person's name and address to the sibling, if the person is an adoptee.
- "(b) Upon inquiry and proof that a person is the biological sibling of an adoptee who has filed a waiver pursuant to this section, the department or agency may advise the sibling that a waiver has been filed by the adoptee. The department or agency may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section.
- "(c) An adoptee may revoke a waiver filed pursuant to this section by giving written notice of revocation to the department or agency...
- "(e) The department or agency may not solicit the execution of a waiver authorized by this section. However, the department shall announce the availability of the procedure authorized by this section, utilizing a means of communication appropriate to inform the public effectively."
- (2) A sibling may revoke his or her waiver in the same manner as the adoptee as provided for in Family Code Section 9205(c).

HANDBOOK ENDS HERE

- (3) Prior to releasing names and addresses of the adoptee and sibling to each other or disclosing to the sibling that a waiver has been filed by the adoptee, the agency shall verify their biological sibling relationship.
 - (A) Verification of the sibling relationship shall include, but not be limited to:
 - 1. Documentation in the agency or another adoption agency's case record;
 - 2. Documentation in the case record of a county welfare department; or,
 - 3. Birth certificate of the sibling.

35063 DISCLOSURE OF INFORMATION TO A SIBLING (Continued)**35063**

- (4) Before disclosing the adoptee's name and address or the existence of a waiver filed by the adoptee, the agency shall obtain the consent of the adoptee's birth parents and sibling in any case in which the sibling remained in the custody and control of the birth parents until the age of 18 years.
- (A) In those instances in which the sibling and adoptee have only one birth parent in common, only that birth parent's consent is necessary.
 - (B) If the sibling remained in the custody and control of only one birth parent until age 18, only that birth parent's consent is necessary.
 - (C) The agency shall require of the sibling and birth parent(s) documentation necessary to establish the parent-child relationship before the name and address will be made available for release.
 - (D) If any birth parent is deceased, the agency shall require from the sibling proof of the parent's death before the requirement for consent of that parent be waived.
 - 1. A copy of the death certificate, newspaper clipping, or other evidence of a funeral or memorial service which establishes the parent's death shall be accepted by the agency as evidence of the birth parent's death.
 - (E) In cases in which the sibling did not remain in the custody and control of his or her and the adoptee's birth parent(s) until age 18 but this fact cannot be verified, the agency shall accept as evidence that the sibling did not remain in the custody and control of the adoptee's and sibling's birth parent(s) an affidavit to that effect signed by the sibling.
 - 1. Prior to acceptance of such an affidavit, the agency shall inquire of the sibling the circumstances which led to the sibling's not remaining under the custody and control of the adoptee's and sibling's birth parent(s) until the sibling reached age 18. The results of the inquiry shall be documented in the case record.
 - 2. The affidavit shall be signed before a notary or authorized official of the agency.
- (5) All waivers referred to in this section shall be on the AD 904A.
- (A) Agencies shall advise adoptees and siblings who have filed waivers of confidentiality prior to the availability of the AD 904A of the necessity to sign the waiver on the AD 904A.

35063	DISCLOSURE OF INFORMATION TO A SIBLING (Continued)	35063
--------------	---	--------------

HANDBOOK BEGINS HERE

- (B) Agencies may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section in accordance with Family Code Section 9205(b) as found at Section 35063(a)(1).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Sections 8621 and 9205(d), Family Code; and Section 1530, Health and Safety Code. Reference: Sections 9204 and 9205, Family Code.

35065	SERVICES TO BE PROVIDED FOLLOWING FINALIZATION OF AN ADOPTION	35065
--------------	--	--------------

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) Services provided to adoptees, birth parents, and adoptive parents following the finalization of an adoption shall include the following:
- (1) Information about statutory and regulatory requirements regarding the release of information from the adoption case record.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 1798.24(r) and (s), Civil Code; Sections 8706, 8817, 8909, 9201, 9202, 9203, 9204, and 9206, Family Code; and 25 U.S.C. 1901 et seq.

35065.1	GENERAL POST-ADOPTION SERVICES PROVIDED BY AGENCIES	35065.1
----------------	--	----------------

- (a) The agency shall arrange for contact between an adult adoptee and his or her birth parent as provided in Family Code Section 9204.
- (1) The agency may release to the adult adoptee and his or her birth parent their respective last known address in the adoption case record.

HANDBOOK BEGINS HERE

(A) Family Code Section 9204, in pertinent part states:

"(a) Notwithstanding any other law, if an adult adoptee and the adult adoptee's birth parents have each filed a written consent with the department or licensed adoption agency, the department or licensed adoption agency may arrange for contact between those persons. Neither the department nor a licensed adoption agency may solicit, directly or indirectly, the execution of a written consent."

"(b) The written consent authorized by this section shall be in a form prescribed by the department."

1. This form is the AD 904.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 1798.24(b), Civil Code; Sections 9203, 9204, and 9206, Family Code; and 25 U.S.C. 1901 et seq.

This page is intentionally left blank.

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**Article 4 Private Adoption Agency Reimbursement Program****35067 RESERVED****35067**

HANDBOOK BEGINS HERE

- (a) The Private Adoption Agency Reimbursement Program (PAARP) provides funds to compensate private adoption agencies for costs of placing for adoption and for completing the adoptions of children who are eligible for Adoption Assistance Program (AAP) benefits because of age, membership in a sibling group, medical or psychological problems, adverse parental background or other circumstances that make placement especially difficult. Welfare and Institutions Code Section 16122 requires the Department to compensate private adoption agencies for otherwise unreimbursed costs up to a maximum of \$5,000.00 for services provided during the adoptive placement and subsequent adoption of these children. Private adoption agencies are authorized to claim half of the compensation when the adoptive placement agreement is signed, and the remainder when the adoption petition is granted by the court.

HANDBOOK ENDS HERE

35069 ELIGIBILITY FOR REIMBURSEMENT**35069**

- (a) Agencies that choose to participate in this program shall:
- (1) Have on file with the department a Form STD 204, Vendor Data Record.
 - (2) Document that the child is an AAP-eligible child as defined in Section 35000(a)(1).
 - (3) Document that the placement meets the requirements of Section 35327.

NOTE: Authority cited: Sections 10553, 10554, 10850(d), 10852, and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 10850(d), 16120 and 16122, Welfare and Institutions Code; and Sections 1798.24(q) and (r), Civil Code; and Sections 8706, 8817, 8909, 9201, 9202, 9203, 9204, and 9206, Family Code.

35071 AGENCY OPERATING COST APPROVAL REQUIREMENTS**35071**

Repealed by Manual Letter No. AD-98-01, effective 8/1/98.

35073 CLAIMING PROCEDURES**35073**

- (a) Each claim for an adoptive placement of an AAP-eligible child shall consist of the following documents:

- (1) Six (6) copies of Form AD 830 (9/97) - "Summary Claim For Reimbursement Private Adoption Agency Reimbursement Program"

HANDBOOK BEGINS HERE

- (A) This form may list one or more placements as long as all occurred during the same fiscal year (the year in which the Adoptive Placement Agreement was signed).

HANDBOOK ENDS HERE

- (2) Three (3) copies of Form AD 558 (8/97) - "Notice of Placement" containing the signatures of representatives of both the child's agency and the family's agency.
 - (3) Three (3) copies of either Form FC-8 (Rev. 6/94) Federal Eligibility Certification for Adoption Assistance Program or Form AAP 4 (3/97) (Combines AAP 4 and FC 9) - "Eligibility Certification Adoption Assistance Program." The Form FC-8 must be accompanied by three (3) copies of a case narrative describing the circumstances qualifying the child for AAP eligibility.
- (b) Each claim for a completed adoption of an AAP eligible child shall consist of the following documents:
- (1) Six (6) copies of Form AD 830 (9/97) - "Summary Claim For Reimbursement Private Adoption Agency Reimbursement Program."

HANDBOOK BEGINS HERE

- (A) This form may list one or more completed adoptions as long as all occurred during the same fiscal year (the year in which the adoption petition was granted by the court).

HANDBOOK ENDS HERE

- (2) Three (3) copies of Form AAP 4 (3/97) - "Eligibility Certification Adoption Assistance Program" or three (3) copies of both the Form FC-8 (6/94) - "Federal Eligibility Certification for Adoption Assistance Program" and the case narrative describing the circumstances qualifying the child for AAP eligibility."
- (3) One (1) copy of the "Order/Decree Of Adoption."

35073 CLAIMING PROCEDURES
(Continued)**35073**

- (4) Three (3) copies completed by both the child's agency and the family's agency of Form AD 42R (7/95) (EFFECTIVE 11/95) - "Relinquishment Adoption Program - Individual Case Report."
- (c) Claims for completed adoptions, for which the agency claimed and was paid half the allowable total compensation at the time of the adoptive placement, shall consist of the following documents:
- (1) Form AD 830 (9/97) - "Summary Claim For Reimbursement Private Adoption Agency Reimbursement Program" - Six (6) copies of Form AD 830, displaying in the appropriate columns the amount of PAARP compensation previously paid to the agency and the amount of the balance of the compensation, and five (5) copies of the Form AD 830 that was returned with the letter informing the agency that the claim for half compensation had been approved by the Department.
- (2) One (1) copy of "Order/Decree of Adoption."
- (3) Three (3) copies completed by persons in both the child's agency and the family's agency of Form AD 42R (7/95) (EFFECTIVE 11/95) - "Relinquishment Adoption Program - Individual Case Report."
- (d) A cooperative placement shall be regarded as a single placement.
- (1) When two or more private agencies participate in the adoptive placement or completed adoption of an AAP-eligible child, each agency shall:
- (A) Submit a claim for the agency's total costs for the placement or completed adoption;
- (B) Note that the placement or completed adoption was cooperative;
- (C) Identify the cooperating agency.
- (2) Participating agencies shall be reimbursed in accordance with the percentage each agency contributes to the total cost of the placement or completed adoption. Processing of cooperative placement claims shall commence upon receipt of all participating agencies' claims for the placement or completed adoption.

HANDBOOK BEGINS HERE

- (A) Example: An AAP-eligible child is placed by two private agencies. Agency A submits a claim for \$2,500 and Agency B submits a claim for \$3,000, resulting in a total cost of \$5,500 for the placement. Agency A is credited with 45% of the placement; Agency B is credited with 55%.

HANDBOOK ENDS HERE

35073	CLAIMING PROCEDURES (Continued)	35073
--------------	---	--------------

- (e) When siblings are placed together, the private agency shall submit a claim pursuant to Section 35073(a) for each child.

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16122, Welfare and Institutions Code.

35075	REIMBURSEMENT CEILING	35075
--------------	------------------------------	--------------

- (a) Reimbursement to a private agency shall be limited to an amount not to exceed the sum of \$3,500 for each completed adoption.
- (b) Claims shall be limited to a private agency's actual costs per placement or completed adoption, less any funds promised or received from any source.

HANDBOOK BEGINS HERE

- (c) Deleted by Manual Letter No. AD-98-01, effective 8/1/98.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16122(b), Welfare and Institutions Code.

35077	RECORDS RETENTION AND TIME LIMITATIONS FOR CLAIMING	35077
--------------	--	--------------

- (a) Accounting records of private agency costs and hours shall be maintained pursuant to the requirements of CDSS regulations Section 11-402.312.

HANDBOOK BEGINS HERE

- (1) Section 11-402.312 states:

Accounting records shall be maintained in accordance with generally accepted accounting principles.

HANDBOOK ENDS HERE

- (b) All accounting records of private agency costs and hours shall be retained pursuant to the requirements of CDSS regulations Section 11-402.313.

35077	RECORDS RETENTION AND TIME LIMITATIONS FOR CLAIMING (Continued)	35077
--------------	---	--------------

HANDBOOK BEGINS HERE

- (1) Section 11-402.313 states:

All accounting records shall be retained for a minimum period of four years from the date of the final claim for that annual period or until all audit issues have been resolved.

- (A) Examples include: journals, ledgers and supporting documentation, invoices, receipts, checks, vouchers, etc.

HANDBOOK ENDS HERE

- (c) Time Limitations for Claiming:

- (1) Claims shall be submitted pursuant to the requirements of Government Code Section 16304.1 and 45 CFR, Part 95, Subpart A.

HANDBOOK BEGINS HERE

- (A) Government Code Section 16304.1, states in pertinent part, states:

"Upon the expiration of two years...following the last day of the period of its availability, the undisbursed balance in any appropriation shall revert to and become a part of the fund from which the appropriation was made. Subsequent to reversion any unpaid encumbrance against the appropriation may be paid, from any current appropriations available for the same purposes."

- (B) Federal funding limitations provided under 45 CFR, Part 95, Subpart A require that claims be submitted during an 18-month period after the end of the calendar quarter in which placement costs are incurred.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 10853, Welfare and Institutions Code; Section 16304.1, Government Code; and 45 CFR, Part 95, Subpart A.

This page is intentionally left blank.